



CITY OF COLLEGE STATION

**Mayor**

Ben White

**Mayor ProTem**

Lynn McIlhaney

**City Manager**

Glenn Brown

**Councilmembers**

John Crompton

James Massey

Dennis Maloney

Lawrence Stewart

David Ruesink

**Minutes**

**City Council Workshop & Regular Meeting**

**Thursday, February 12, 2009 at 3:00 & 7:00 p.m.**

**City Hall Council Chambers, 1101 Texas Avenue**

**College Station, Texas**

**COUNCIL PRESENT:** Mayor ProTem McIlhaney, Council members Maloney, Massey, Ruesink, Stewart

**COUNCIL ABSENT:** Mayor White, Council member Crompton

**STAFF PRESENT:** City Manager Brown, Assistant City Manager Merrill, City Attorney Cargill Jr., City Secretary Hooks, Deputy City Secretary McNutt, Management Team

Mayor ProTem McIlhaney called meeting to order at 3:00 p.m.

**Workshop Agenda Item No. 1 -- Presentation, possible action, and discussion on items listed on the consent agenda.**

Mayor ProTem McIlhaney stated she will abstain from Consent Item No. 2d.

**Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion regarding an update on Arts Council of Brazos Valley projects, programs and activities.**

Carol Wagner, President of the Arts Council expressed thanks to the City Council for their monetary support to the Arts Council for the removal of P. David Romei name on the Arts Council building. Internal funds were allocated toward this task and monies from the City of College Station would not be necessary.

Padraic Fisher, Executive Director of Arts Council presented an update on Arts Council of Brazos Valley projects, program and activities.

Council expressed their appreciation to the Arts Council for moving forward and their hard work on future projects.

**Workshop Agenda Item No. 3 -- Presentation, possible action and discussion regarding the FM 2818 grade separation project at Wellborn Road and the Union Pacific Railroad.**

Mark Smith, Director of Public Works introduced this item.

Bob Appleton, TxDot District Manager presented slides showing the configuration of the project and traffic flow during the twenty four months of construction.

Mr. Smith briefly explained the Holleman Drive extension.

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Council expressed their appreciation of the work and the urgency to begin the project.

No formal action was taken.

**Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion regarding the Desired Future Condition of the Simsboro aquifer, including a presentation on the Economic Impact of Large Groundwater Withdrawal.**

Dave Coleman, Director of Water Services presented staff report. He stated that the future of groundwater availability in this region will be determined over the next 18 months. State law requires that each Groundwater Management Area must establish, by 1 September 2010, a "Desired Future Condition" (DFC) for the aquifers in their area. These DFCs will be used by the Texas Water Development Board to determine how much water can be withdrawn from each area, in order to maintain the specified DFC. We jointly hired HDR Engineers, who has completed this study and concluded that moderate to severe economic impacts could result; depending on how far the Simsboro aquifer is depleted.

- Moderate declines: Increased costs to rework wells and pump water farther
- Drastic declines: Construct an alternate water source, such as Millican Reservoir, which would be extremely costly

David Dunn from HDR Engineering explained the economic study.

Bill Riley, the Director of the Brazos Valley Groundwater Conservation District mentioned the political complexities of ground water management when numerous entities are involved. He is utilizing different management strategies to ensure adjacent counties are secured with adequate water resources as well.

Staff requested City Council's support to pursue Moderate Declines in the DFC process.

Council member Massey moved to endorse staff's recommendation. Council member Maloney seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

**Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion on the Fiscal Year (FY) 2009-2010 Budget Review Process.**

Jeff Kersten, Chief Financial Officer presented a timeline for FY 2009-2010 Budget Review Process.

- The first version has the budget workshop meetings being held on August 13th, August 14th, August 20th and August 21st. The first 2 workshops would cover the General Fund and the discussion on the tax rate would occur on August 17<sup>th</sup> after the General Fund discussion.

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- The second version has the budget workshop meetings on July 27th, July 28th, and August 13th and August 14th. The discussion on the tax rate would occur on August 17<sup>th</sup> after all the budget workshop meetings.

City Manager Brown requested the end of July 27 and 28<sup>th</sup> for two Budget public hearings, a written report from absent Council members on their concerns and to leave enough room for the August 15<sup>th</sup> Budget meeting if necessary. Council concurred.

**Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion on Convention Center financing options.**

Item removed for future agenda.

**Workshop Agenda Item No. 7 -- Council Calendar**

Council reviewed activity calendar.

**Workshop Agenda Item No. 8 -- Presentation, possible action, and discussion on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.**

No discussion was held.

**Workshop Agenda Item No. 9 -- Discussion, review and possible action regarding the following meetings: Arts Council of the Brazos Valley, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, Cemetery Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Library Committee, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Sister City Association, TAMU Student Senate, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments, BVSWM, (Notice of Agendas posted on City Hall bulletin board).**

Council member Ruesink spoke on Sister Cities trip to Russia, August 8.

Council member Maloney discussed the Chamber of Commerce Lobbyist Conference.

Council member Massey discussed on the Oversight Committee meeting and the advocacy of water features.

Mayor Pro Tem McIlhaney spoke on the Transportation and receiving a presentation by the Gulf Coast Strategic Coalition. (Requested for a future agenda item)

At 5:02 pm, Mayor Pro Tem McIlhaney announced that the City Council would convene into executive session pursuant to Section 551.071, 551.072, and 551.087 of the Open Meetings Act to seek the advice of our city attorney, to consider the purchase of real property and economic development negotiations.

**Workshop Agenda Item No. 10 -- Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.**

Consultation with Attorney {Gov't Code Section 551.071}; possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or

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settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or

attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Application with TCEQ for permits in Westside/Highway 60 area, near Brushy Water Supply Corporation
- b. Sewer CCN permit requests
- c. Water CCN permit requests
- d. Water service application with regard to Wellborn Special Utility District.
- e. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- f. Attorney-client privileged information and possible contemplated litigation of prior expenditures of College Station funds made by Paul Urso to Texcon
- g. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites
- h. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District
- i. JK Development v. College Station
- j. Taylor Kingsley v. College Station
- k. State Farm Lloyds as Subrogee of Mikal Klumpp v. College Station
- l. TMPA v. PUC (College Station filed Intervention)
- m. City of Bryan suit filed against College Station, Legal issues and advise on Brazos Valley Solid Waste Management Agency contract, on proposed methane gas contract
- n. Update on legal proceedings for Grimes County Landfill site and contracts for development of Grimes County site
- o. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White
- p. Attorney-client briefing of legal options for convention center funding.

Real Estate {Gov't Code Section 551.072}; possible action The City Council may deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Possible Sale of or Exchange of Property on E. University.

Economic Incentive Negotiations {Gov't Code Section 551.087}; possible action The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Lynntech Science Park.

**Workshop Agenda Item No. 11 -- Action on executive session, or any workshop agenda item not completed or discussed in today's workshop meeting will be discussed in tonight's Regular Meeting if necessary.**

At 6:59 pm, Council adjourned from the executive session and returned to Council Chambers. No formal action was taken.

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**Workshop Agenda Item No. 12 – Adjourn.**

The workshop meeting adjourned following the regular meeting.

**Minutes of Regular Meeting**

**Regular Agenda Item No. 1 -- Pledge of Allegiance, Invocation, Consider absence request.**

Mayor Pro Tem McIlhaney called the meeting to order at 7:06 pm with all Council members present except Mayor White and Council member Crompton. Mayor Pro Tem McIlhaney led the audience in the Pledge of Allegiance. Fire Chief R.B. Alley provided the invocation.

Council member Stewart made a motion to approve the request for absence from Mayor White and Council member Crompton. Council member Massey seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

**Hear Visitors:**

Brian Alg, TAMU student spoke on smoking and rental registration. He felt Council's remarks were disturbing on the smoking ordinance and on the rental registration.

**Regular Agenda Item No. 2 -- Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.**

a. Approved minutes for City Council workshop and regular meeting, January 22, 2009.

b. Approved **Resolution No 02-12-09-2b** amending the Custody Agreement between the City and Bank of New York Mellon and to amend the authorized persons on the account.

c. Approved Addendum 1 to the Service Agreement with SunGard Mailing Services consenting to the assignment by SunGard Mailing Services to Pinnacle Data Systems L.L.C. for Utility Bill Printing and Mailing services.

d. Approved ratified change order to the 2008 Blue Cross Blue Shield purchase order 080370, in the amount \$66,000. Mayor Pro Tem McIlhaney abstained.

e. Approved the City of College Station 2009 Legislative Program.

f. Approved contract with Dan Shelley for state legislative and consulting services in the amount of \$48,000.

g. Approved Change Order #2, in the amount of \$281,903.50 to contract 07-229 with Brazos Valley Services, to adjust quantities for construction of the parallel water transmission line.

h. Approved **Needs Resolution No. 02-12-09-2h** authorizing City staff to negotiate for the purchase of easements needed for the Koppe Bridge Lift Station project.

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- i. Approved annual purchase in the amount of \$58,000 for disposal of heavy brush at the City of Bryan Composting Facility. This item is exempt from competitive bidding as described in Texas Local Government Code, Chapter 252.022.
- j. Approved **Ordinance No. 3162** amending Chapter 10, "Traffic Code," Section 2.D of the Code of Ordinances of the City of College Station by updating the Traffic Control Device Inventory – Schedule III.
- k. Approved **Ordinance No. 3163** amending Chapter 10, "Traffic Code," Section 2.E of the Code of Ordinances of the City of College Station by updating the Traffic Control Device Inventory – Schedule IV.
- l. Approved an Agreement for Services with the Brazos Valley Softball Umpires Association to provide officiating services for City athletic leagues and programs (Contract Number 09-085) in an amount not to exceed \$128,980.00 per year.
- m. Approved funds for professional legal services from Coats Rose Ryman and Lee for litigation concerning the Weingarten Realty suit. Legal costs and expert costs are estimated to be \$650,000.
- n. Approved the rejection of proposals received for RFP #08-99 for design, production and event management services related to a signature event for the City.
- o. Approved the rejection of proposals received for RFP #09-16 for property management services at the Chimney Hill Shopping Center.
- p. Approved **Resolution No. 02-12-09-2p** awarding a construction contract to Jamail & Smith Construction in the amount of \$96,538.89, for the purchase of twenty-seven (27) and installation of twenty-six (26) traffic control bollards in the Northgate District in the amount of \$96,538.89. .
- q. Approved the City Internal Auditor's Purchasing Card Follow-up Audit Report.
- r. Approved **Resolution No. 02-12-09-2r** on special warranty deeds conveying one-half undivided interest to the City of Bryan in land acquired by condemnation for Twin Oaks Landfill.

Council member Maloney moved to approve consent agenda items 2a thru 2r. Council member Massey seconded the motion, which carried 5-0. Mayor ProTem McIlhaney abstained from Consent Agenda Item No. 2d.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

**Regular Agenda Item No. 1 -- Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #2 amending ordinance number 3114 which will amend the budget for the 2008-2009 Fiscal Year and authorizing amended expenditures in the amount of \$614,535 and increase the number of regular full-time positions in the budget by nine police officers; and presentation, possible action and discussion on several contingency transfers.**

Jeff Kersten, Chief Financial Officer presented the proposed budget amendment to increase the appropriations for the items listed in the proposed budget amendment by \$614,535 and to increase the number of regular full-time

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positions in the budget for nine police officers as part of the implementation of the Police Department reorganization. Funds for these positions were included in the approved FY 2009 Police Department Budget. The Charter of the City of College Station provides for the City Council to amend the annual budget in the event there are revenues available to cover increased expenditures and after holding a public hearing on such budget amendment. In addition, several contingency transfer items were included.

Staff recommended that City Council hold the public hearing on Budget Amendment #2, and approve the budget amendment ordinance. Staff also recommended that City Council approve the budget transfers.

Mayor Pro Tem McIlhaney opened the public hearing. No one spoke. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Massey moved to approve **Ordinance No. 3164** (Budget Amendment 2) amending Ordinance No. 3114 amending the budget for FY 2008-2009 and authorizing amended expenditures. Council member Maloney seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

**Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning 3.67 acres from C-3, Light Commercial to PDD, Planned Development for the property located at 2849 Barron Road generally located at the southeast corner of William D. Fitch Parkway and Barron Road.**

Molly Hitchcock, Planning Administrator presented a brief staff report on the rezoning request of 3.67 acres from C-3, Light Commercial to PDD, Planned Development for the property located at 2849 Barron Road. Staff and P&Z Commission recommended approval by a 5-1 vote to rezone as presented with the condition that no restaurant drive-thrus are allowed.

Doug Slack, P&Z Commissioner spoke on the Commission's decision.

Mayor Pro Tem McIlhaney opened the public hearing. David Lawrence, applicant was present for Council questions. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Maloney moved to approve **Ordinance No. 3165** on the rezoning of 3.67 acres located at 2849 Barron Road from C-3, Light Commercial to PDD, Planned Development with the removal of drive-thru. Council member Stewart seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

**Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion on a request to rezone 10.44 acres from A-O, Agricultural Open, to R-1, Single Family Residential, abutting Decatur Road next to Spring Creek Townhomes.**

This item was previously tabled. Council member Stewart made a motion to remove item from the table. Council member Ruesink seconded the motion, which carried 5-0.

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Bob Cowell, AICP, Director of Planning and Development Services presented the staff report on a rezoning request of 10.44 acres from A-O, Agricultural Open, to R-1, Single Family Residential, and abutting Decatur Road next to Spring Creek Townhomes. Staff and P&Z Commission recommended approval by a 7-0 vote.

Mayor Pro Tem McIlhaney opened the public hearing. The applicant, Jeremiah Kellam, 22803 TimberLake Creek Road was present for questions. Doug Slack, P&Z Commissioner explained the Commission's decision. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Stewart moved to approve **Ordinance No. 3166** rezoning 10.44 acres from A-O, Agricultural Open, to R-1, Single Family Residential. Council member Ruesink seconded the motion, which carried 3-2.

FOR: Mayor Pro Tem McIlhaney, Stewart and Ruesink

AGAINST: Council member Massey and Maloney

ABSENT: Mayor White, Council member Crompton

**Regular Agenda Item No. 4 -- Public hearing, presentation, possible action, and discussion regarding a Comprehensive Plan Amendment from Single-Family Residential Medium Density to Retail Regional for 5.79 acres for the property located at 4074 State Highway 6 South (Secure Care Storage Facility).**

Molly Hitchcock, Planning Administrator presented the Comprehensive Land Use Plan Amendment for 5.79 acres located at the 4074 State Hwy 6 South (Secure Care Storage Facility). Staff and P&Z Commission recommended approval of this request.

Doug Slack, P&Z Commissioner spoke on P&Z's recommendation to support the rezoning.

Mayor Pro Tem McIlhaney opened the public hearing. No one spoke. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Maloney made a motion to approve **Ordinance No. 3167** to rezone 5.79 acres for property located at 4074 State Hwy 6 South from Single-Family Residential Medium Density to Retail Regional. Council member Massey seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

**Regular Agenda Item No. 5 -- Public hearing, presentation, possible action and discussion on a Comprehensive Land Use Plan amendment from Industrial R&D to Residential Attached for 1.32 acres located at 300 Holleman Drive, located next to the Verizon building near Lassie Lane.**

Molly Hitchcock, Planning Administrator presented Comprehensive Land Use Plan amendment for 1.32 acres located at 300 Holleman Drive. Staff and P&Z Commission recommended denial by a 2-5 vote.

Doug Slack, P&Z Commissioner explained the Commission's position for recommending denial of the request.

Mayor Pro Tem McIlhaney opened the public hearing. Bo Miles, 341 Landsburg Lane, developer of property requested affirmative action of his request to build condos. Chuck Ellison, adjacent property owner in the WPC



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Corridor, commented that his office is located in C-1 zoning category. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Maloney moved to deny the Comprehensive Land Use Plan amendment for 1.32 acres located at 300 Holleman Drive. Council member Stewart seconded the motion, which carried 5-0.

FOR: None

AGAINST: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

ABSENT: Mayor White, Council member Crompton

**Regular Agenda Item No. 6 -- Public hearing, presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code," to restrict parking on the north side of Greens Prairie Road adjacent to Forest Ridge Elementary School.**

Troy Rother, City Traffic Engineer summarized the request from school officials at Forest Ridge Elementary School. The Principal of this School has requested the City consider parking restrictions on north side of Greens Prairie Road. Staff recommended approval of the proposed ordinance.

Mayor Pro Tem McIlhaney opened the public hearing. Ben Roper, 4411 Edenburg Place, spoke in opposition to the proposal. His concern related to the parking that occurs within the adjacent neighborhoods due to inadequate parking facility at the school. Mayor Pro Tem McIlhaney closed the public hearing.

Council directed staff to contact school officials and review other alternatives.

No action was taken.

**Regular Agenda Item No. 7 -- Presentation, possible action, and discussion regarding an exception to Policy to allow the Grey Wolf Trail development to connect to the City sewer system.**

David Coleman, Director of Water Services summarized a request for sewer service to property located in the ETJ, off North Dowling Road, south of Easterwood Airport. The proposed development is for 24 duplex buildings (48 duplex units). The tracts total 13.88 acres, which are not contiguous with current City limits, and are thus not currently eligible for annexation without the inclusion of additional land. The tracts are outside the City's current certificated area for sewer, but are in an area that is presently un-certificated, so the City could legally provide sewer service. Staff recommended Council deny this request, because the proposed development is inconsistent with the City's Land Use Plan.

Bob Cowell, Director of Planning and Development Services commented on this development project and adjacent properties regarding development agreements.

Chuck Ellison, representing Brazos Wyldewood II, Inc., the applicant, sought the City Council's support of the request.

Council member Maloney moved to deny the request for City sewer service. Council member Massey seconded the motion, which carried 4-1.

FOR: Council member Massey, Maloney, Stewart and Ruesink

AGAINST: Mayor Pro Tem McIlhaney

ABSENT: Mayor White, Council member Crompton

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**Regular Agenda Item No. 8 -- Presentation, possible action, and discussion regarding an Interlocal Agreement between the City of College Station and the College Station ISD (CSISD) for the purchase and installation of fencing for the joint City/School Parks at Pebble Creek and Jack and Dorothy Miller Parks.**

Tony Cisneros, Director of Parks and Recreation presented a proposal for additional fencing at the joint city and school parks at Pebble Creek Elementary and Rock Prairie Elementary. A safety issue has been identified with protection of students during the times that school is in session. Public use of the fenced parks during normal school hours will not be permitted without the public first processing through the schools' admittance offices. CSISD will prepare the specifications and bid package and install fences. The City of College Station will pay 50% of the final costs. Staff recommended approval of the Interlocal Agreement with CSISD.

Council member Massey moved to approve the interlocal agreement on fencing for the joint City/School Parks at Pebble Creek and Jack and Dorothy Miller Parks. Council member Maloney seconded the motion, which carried 5-0.

FOR: Mayor Pro Tem McIlhaney, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White, Council member Crompton

**Regular Agenda Item No. 9 -- Adjourn.**

Hearing no objections, Mayor Pro Tem McIlhaney adjourned the meetings at 9:35 pm on Thursday, February 12, 2009.

PASSED AND APPROVED this 26<sup>th</sup> day of February, 2009.

APPROVED

\_\_\_\_\_  
Mayor Ben White

ATTEST:

\_\_\_\_\_  
City Secretary Connie Hooks